

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14611, of James Turner, pursuant to Sub-section 8201.7 (3107.2 DCMR 11) of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3301.1, 401.1 DCMR 11) to construct a two-story dwelling in an R-2 District at premises 808 Rittenhouse Street, N.W., (Square 2981, Lot 76).

HEARING DATE: May 20, 1987

DECISION DATE: May 20, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 808 Rittenhouse Street, N.W., is located on the southside of Rittenhouse Street between 8th and 9th streets. The site is located in an R-2 District.

2. The site comprises 2,800 square feet and is rectangular in shape with a frontage of 40.00 feet along Rittenhouse Street and a depth of 70 feet. A 15 foot wide public alley is located to the rear of the site. The site is unimproved.

3. The applicant is seeking an area variance from the minimum lot area requirements to allow the construction of a two-story dwelling at the site.

4. The R-2 District extends in all directions from the site. The lots located in the same square as the subject site are improved with single family detached dwellings. These lots each comprise less than 4,000 square feet of lot area.

5. The proposed structure will have an almost identical footprint to the others in the square.

6. Advisory Neighborhood Commission 4B submitted no report on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires substantial

evidence that the applicant has complied with the requirements of Paragraph 8207.11 of the Zoning Regulations. Paragraph 3301.3 requires a lot area of 4,000 square feet for the R-2 District. The area of the subject lot is 2,800 square feet necessitating a variance of 1,200 square feet, or 30 percent. The Board concludes that the applicant has met the burden of proof.

The existing lot is a nonconforming lot. It cannot be enlarged as adjacent lots are fully developed. Other lots in the square are developed with single family detached dwellings on lots comprised of less than 4,000 square feet.

The Board further concludes that the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 11 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Patricia N. Mathews and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JUL 10 1987

UNDER SUB-SECTION 3101.1 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.